

OTTERBOURG, STEINDLER, HOUSTON & ROSEN, P.C.

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November 5, 2007

VIA FAX

MEMO ENDORSED

Honorable Frank Maas
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 740
New York, New York 10007

Re: Milliken & Company v. Tullahoma Industries, LLC -- 07 Civ. 3175 (HB)(FM)

Dear Judge Maas:

We are counsel for plaintiff Milliken & Company ("Milliken") in the above referenced action. On July 2, 2007 the Court entered an Order Granting Judgment and Referring Matter to Magistrate Judge for Further Proceedings as to Damages (the "Order and Judgment"). The Order and Judgment [D.E. 6] granted Milliken a money judgment on its First Claim against Tullahoma Industries, LLC ("Tullahoma") in the amount of \$163,358.69 through June 28, 2007, together with the costs and disbursements of the action, and stated that "plaintiff have enforcement thereof . . ." The Order and Judgment also held Tullahoma liable on Milliken's Second Claim and referred the matter to Your Honor "for further proceedings solely to determine the amount of plaintiff's actual and reasonable attorney's fees incurred in this matter . . ."

Pursuant to a July 24, 2007 Scheduling Order [D.E. 11], the Court had set September 20, 2007 as the last day for Milliken to serve its inquest memorandum and accompanying submissions. As Milliken was engaged in ongoing enforcement efforts in Tennessee, Milliken requested, and the Court granted [D.E. 12], a forty-five (45) day extension of the deadlines contained in the July 24 Scheduling Order.

Please be advised that Milliken and Tullahoma are actively engaged in settlement discussions. In light of this fact, Milliken hereby respectfully requests that its time to submit an inquest memorandum, if ultimately needed, be extended from November 5, 2007 to December 5, 2007, and that all other deadlines be similarly adjourned for thirty (30) days. Obviously, if a settlement is reached, Milliken will apprise the Court as soon as possible.

} So
ordered.
JLH

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We thank the Court for its consideration.

Respectfully yours,


Lloyd M. Green

cc: Tullahoma Industries, LLC (Via Federal Express)